

**ASSEMBLY BILL**

**No. 670**

**Introduced by Assembly Member Goldberg**

February 17, 2005

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An act to amend Sections 17072.10 and 17074.10 of, and to repeal Sections 17017.6, 17017.7, and 17071.33 of, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 670, as introduced, Goldberg. School facilities: new construction: modernization.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

Existing law requires the board to determine an applicant's maximum total new construction grant eligibility by multiplying the number of unhoused pupils in each school district with an approved application for new construction by the per-unhoused-pupil grant amount of \$5,200 for elementary school pupils, \$5,500 for middle school pupils, or \$7,200 for high school pupils, as appropriate.

This bill would delete each of those per-unhoused-pupil grant amounts and instead leave the amounts unspecified.

Existing law requires the board to annually adjust the per-unhoused-pupil apportionment for new construction to reflect construction cost changes, as set forth in the statewide cost index for class B construction as determined by the board.

This bill would instead require the board to adjust the per-unhoused-pupil apportionment monthly rather than annually to

reflect construction cost changes, as set forth in the Marshall and Swift, 8 California Cities cost data, or another cost index, whichever is greater, as determined by the board.

Existing law requires the board to determine the total funding eligibility of a school district for modernization funding by multiplying certain specified amounts by each pupil of that grade level housed in school buildings, as provided. Existing law requires the board to annually adjust the amounts according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the board.

This bill would delete those specified amounts and instead leave the amounts unspecified. The bill would, in addition, require the board to adjust the amounts monthly rather than annually according to the adjustment for inflation set forth in the Marshall and Swift, 8 California Cities cost data, or another cost index, whichever is greater, as determined by the board.

Under existing law priorities are established for the approval of school facility project funding for new construction, with greatest priority given to school districts that operate on a multitrack year-round basis for projects that will operate on a multitrack year-round basis.

This bill would delete those provisions.

Existing law sets forth the definition for “substantial enrollment” and its application for the purposes of establishing priorities for funding school facilities projects.

This bill would delete those provisions.

Existing law requires, for the purposes of determining existing school building capacity, the calculation to be adjusted as required for the first priority status as that calculation would have been made under the policies of the board in effect immediately preceding September 1, 1998.

This bill would delete those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17017.6 of the Education Code is  
2 repealed.

1     ~~17017.6. Notwithstanding Section 17017.7, the definition of~~  
2     ~~“substantial enrollment” set forth in that section shall apply only~~  
3     ~~to elementary and unified school districts. For a high school~~  
4     ~~district, “substantial enrollment in multitrack year-round~~  
5     ~~schools,” for the purposes of Section 17017.7, means that at least~~  
6     ~~30 percent of the pupils enrolled in the high school district are~~  
7     ~~enrolled in multitrack year-round schools, or that 40 percent of~~  
8     ~~the pupils enrolled in public school in kindergarten and grades 1~~  
9     ~~to 12, inclusive, within the boundaries of the high school~~  
10    ~~attendance area for which the school district is applying for new~~  
11    ~~facilities are enrolled in multitrack year-round schools. In~~  
12    ~~addition, a high school district shall be deemed to have a~~  
13    ~~substantial enrollment in multitrack year-round schools for~~  
14    ~~purposes of Section 17017.7 if, at the option of the district, the~~  
15    ~~entire high school to be constructed is to operate on a multitrack~~  
16    ~~year-round basis.~~

17    SEC. 2. Section 17017.7 of the Education Code is repealed.

18    ~~17017.7. (a) Notwithstanding any other provision of this~~  
19    ~~chapter, priority for the approval of project funding for new~~  
20    ~~construction under this chapter, shall be as follows:~~

21    ~~(1) First priority for construction funds shall be given to~~  
22    ~~school districts with a substantial enrollment in multitrack~~  
23    ~~year-round schools requesting state funding for 50 percent of the~~  
24    ~~cost of a project that would be constructed to operate on a~~  
25    ~~multitrack year-round basis.~~

26    ~~(2) Second priority shall be for school districts with a~~  
27    ~~substantial enrollment in multitrack year-round schools~~  
28    ~~requesting state funding for the entire cost of a project that would~~  
29    ~~be constructed to operate on a multitrack year-round basis.~~

30    ~~(3) Third priority shall be for school districts without a~~  
31    ~~substantial enrollment in multitrack year-round schools~~  
32    ~~requesting state funding for 50 percent of the cost of a project to~~  
33    ~~operate on a multitrack year-round basis.~~

34    ~~(4) Fourth priority shall be for school districts without a~~  
35    ~~substantial enrollment in multitrack year-round schools~~  
36    ~~requesting state funding for the entire cost of a project that would~~  
37    ~~be constructed to operate on a multitrack year-round basis.~~

38    ~~(5) Fifth priority shall be for school districts with a substantial~~  
39    ~~enrollment in multitrack year-round schools requesting state~~

~~funding for 50 percent of the cost of a project that would not operate on a multitrack year-round basis.~~

~~(6) Sixth priority shall be for school districts with a substantial enrollment in multitrack year-round schools requesting state funding for the entire cost of a project that would not operate on a multitrack year-round basis.~~

~~(b) The board shall not restrict the availability of funding for construction of multitrack year-round schools, from any funding source available to the State School Building Lease-Purchase Fund, but shall make approval of project funding for those projects the first priority in accordance with this section.~~

~~(c) “Substantial enrollment,” for the purposes of this section, means enrollment of at least 30 percent of district pupils in kindergarten and grades 1 to 6, inclusive, or 40 percent of pupils in kindergarten and grades 1 to 12, inclusive, in the high school attendance area for which the school district is applying for new facilities. The calculation set forth in this subdivision, as to a self-certifying district, shall be made by the district, in accordance with any standards governing that calculation that are adopted by the board. The calculation shall be certified by the district to the board and used by the board for the purposes of this section. The self-certifying district shall maintain documentation of the calculation as may be required by the board, and the calculation shall be subject to subsequent audit as the board may direct. If a self-certifying district is found by the board to have materially misrepresented its pupil enrollment pursuant to this subdivision, the board may impose either or both of the penalties set forth in paragraphs (1) and (2) of subdivision (b) of Section 17041.2, in accordance with that section.~~

~~(d) “Multitrack year-round school,” for purposes of this section, means a school for which the applicant district demonstrates that both of the following criteria are satisfied:~~

~~(1) The pupils are divided into three or more groups or tracks, which rotate attendance so that, for a majority of schooldays during the school year, at least one group or track is not attending the school while all other groups or tracks are in attendance.~~

~~(2) The operation of the school on a multitrack year-round basis has resulted in an increase in enrollment capacity.~~

~~(e) Notwithstanding any other provision of this section, the State Allocation Board may continue to implement any~~

1 year-round school priority provisions for hardships adopted prior  
2 to September 1, 1990.

3 SEC. 3. Section 17071.33 of the Education Code is repealed.

4 17071.33. (a) For the purposes of determining existing school  
5 building capacity, the calculation shall be adjusted as required for  
6 first priority status pursuant to Section 17017.7 as that  
7 calculation would have been made under the policies of the board  
8 in effect immediately preceding September 1, 1998.

9 (b) Notwithstanding subdivision (a), with respect to a high  
10 school district, the existing school building capacity shall be  
11 calculated without regard to multitrack year-round school  
12 considerations.

13 SEC. 4. Section 17072.10 of the Education Code, as amended  
14 by Section 4 of Chapter 894 of the Statutes of 2004, is amended  
15 to read:

16 17072.10. (a) The board shall determine the applicant's  
17 maximum total new construction grant eligibility by multiplying  
18 the number of unhoused pupils calculated pursuant to Article 3  
19 (commencing with Section 17071.75) in each school district with  
20 an approved application for new construction, by the  
21 per-unhoused-pupil grant as follows:

22 (1) Five thousand two hundred \_\_\_\_\_ dollars—(\$5,200)  
23 (\$\_\_\_\_\_) for elementary school pupils.

24 (2) Five thousand five hundred \_\_\_\_\_ dollars—(\$5,500)  
25 (\$\_\_\_\_\_) for middle school pupils.

26 (3) Seven thousand two hundred \_\_\_\_\_ dollars—(\$7,200)  
27 (\$\_\_\_\_\_) for high school pupils.

28 (b) The board shall—~~annually~~ *monthly* adjust the  
29 per-unhoused-pupil apportionment to reflect construction cost  
30 changes, as set forth in the ~~statewide~~ *Marshall and Swift, 8*  
31 *California Cities* ~~cost index for class B construction data, or~~  
32 *another cost index, whichever is greater*, as determined by the  
33 board.

34 (c) (1) Commencing January 1, 2006, notwithstanding  
35 subdivisions (a) and (b), for a small high school, the maximum  
36 total new construction grant shall be adjusted to reflect 120  
37 percent of the amounts determined pursuant to subdivisions (a)  
38 and (b). The board shall adopt regulations, in consultation with  
39 the Superintendent of Public Instruction, to establish criteria to  
40 ensure that this adjustment is available to multiple small high

1 schools on a pilot program basis and only for those applicant  
2 school districts that propose to build a small high school as part  
3 of an academic reform strategy that focuses on the positive  
4 outcomes that small high schools encourage. The board shall set  
5 aside a total amount of twenty million dollars (\$20,000,000) for  
6 this purpose from the proceeds of state bonds approved by the  
7 voters pursuant to the Kindergarten-University Public Education  
8 Facilities Bond Act of 2002 (Part 68.1 (commencing with  
9 Section 100600)) and the Kindergarten-University Public  
10 Education Facilities Bond Act of 2004 (Part 68.2 (commencing  
11 with Section 100800)). The board shall also adopt regulations, in  
12 consultation with the Superintendent of Public Instruction, to  
13 implement the pilot program, including, but not limited to,  
14 allowing a sufficient filing period for applications in order to  
15 ensure that the pilot program encompasses school districts from  
16 the northern, southern, and central regions of the state and from  
17 urban, suburban, and rural areas so that the pilot program  
18 participants are broadly representative of the state.

19 (2) Paragraph (1) does not apply in those circumstances ~~where~~  
20 *in which* a small high school would otherwise have been built  
21 because of sparse population in the geographical area.

22 (d) The board may adopt regulations to be effective until July  
23 1, 2000, that adjust the amounts identified in this section for  
24 qualifying individuals with exceptional needs, as defined in  
25 Section 56026. The regulations shall be amended after July 1,  
26 2000, in consideration of the recommendations provided  
27 pursuant to Section 17072.15.

28 (e) The board may establish a single supplemental  
29 per-unhoused-pupil grant in addition to the amounts specified in  
30 subdivision (a) based on the statewide average marginal  
31 difference in costs in instances where a project requires  
32 multilevel school facilities due to limited acreage. The district's  
33 application shall demonstrate that a practical alternative site is  
34 not available.

35 (f) For a school district having an enrollment of 2,500 or less  
36 for the prior fiscal year, the board may approve a supplemental  
37 apportionment of up to seven thousand five hundred dollars  
38 (\$7,500) for any new construction project assistance. The amount  
39 of the supplemental apportionment authorized pursuant to this  
40 subdivision shall be adjusted in 2001 and every year thereafter by

1 an amount equal to the percentage adjustment for class B  
2 construction.

3 (g) This section shall remain in effect only until January 1,  
4 2008, and as of that date is repealed, unless a later enacted statute  
5 that is enacted before January 1, 2008, deletes or extends that  
6 date.

7 SEC. 5. Section 17072.10 of the Education Code, as added by  
8 Section 5 of Chapter 894 of the Statutes of 2004, is amended to  
9 read:

10 17072.10. (a) The board shall determine the applicant's  
11 maximum total new construction grant eligibility by multiplying  
12 the number of unhoused pupils calculated pursuant to Article 3  
13 (commencing with Section 17071.75) in each school district with  
14 an approved application for new construction, by the  
15 per-unhoused-pupil grant as follows:

16 (1) ~~Five thousand two hundred~~ \_\_\_\_\_ dollars ~~(\$5,200)~~ (\$ \_\_\_\_\_)  
17 for elementary school pupils.

18 (2) ~~Five thousand five hundred~~ \_\_\_\_\_ dollars ~~(\$5,500)~~ (\$ \_\_\_\_\_)  
19 for middle school pupils.

20 (3) ~~Seven thousand two hundred~~ \_\_\_\_\_ dollars ~~(\$7,200)~~ (\$ \_\_\_\_\_)  
21 for high school pupils.

22 (b) The board shall ~~annually~~ *monthly* adjust the  
23 per-unhoused-pupil apportionment to reflect construction cost  
24 changes, as set forth in the ~~statewide Marshall and Swift, 8~~  
25 ~~California Cities cost index for class B construction data, or~~  
26 ~~another cost index, whichever is greater~~, as determined by the  
27 board.

28 (c) Any regulations adopted by the board prior to July 1, 2000,  
29 that adjust the amounts identified in this section for qualifying  
30 individuals with exceptional needs, as defined in Section 56026,  
31 as amended after July 1, 2000, in consideration of the  
32 recommendations provided pursuant to Section 17072.15, shall  
33 continue in effect.

34 (d) The board may establish a single supplemental  
35 per-unhoused-pupil grant in addition to the amounts specified in  
36 subdivision (a) based on the statewide average marginal  
37 difference in costs in instances where a project requires  
38 multilevel school facilities due to limited acreage. The district's  
39 application shall demonstrate that a practical alternative site is  
40 not available.

(e) For a school district having an enrollment of 2,500 or less for the prior fiscal year, the board may approve a supplemental apportionment of up to seven thousand five hundred dollars (\$7,500) for any new construction project assistance. The amount of the supplemental apportionment authorized pursuant to this subdivision shall be adjusted in 2008 and every year thereafter by an amount equal to the percentage adjustment for class B construction.

(f) This section is operative January 1, 2008.

SEC. 6. Section 17074.10 of the Education Code is amended to read:

17074.10. (a) The board shall determine the total funding eligibility of a school district for modernization funding by multiplying the following amounts by each pupil of that grade level housed in school buildings that satisfy the requirements of Section 17073.15:

(1) ~~Two thousand two hundred forty-six~~ \_\_\_\_\_ dollars ~~(\$2,246)~~ (\$\_\_\_\_\_) for each elementary pupil.

(2) ~~Two thousand three hundred seventy-six~~ \_\_\_\_\_ dollars ~~(\$2,376)~~ (\$\_\_\_\_\_) for each middle school pupil.

(3) ~~Three thousand one hundred ten~~ \_\_\_\_\_ dollars ~~(\$3,110)~~ (\$\_\_\_\_\_) for each high school pupil.

(b) The board shall ~~annually~~ *monthly* adjust the factors set forth in subdivision (a) according to the adjustment for inflation set forth in the ~~statewide~~ *Marshall and Swift, 8 California Cities cost index for class B construction data, or another cost index, whichever is greater*, as determined by the board.

(c) The board may adopt regulations to be effective until July 1, 2000, that adjust the amounts identified in this section for qualifying individuals with exceptional needs, as defined in Section 56026. The regulations shall be amended after July 1, 2000, in consideration of the recommendations provided pursuant to Section 17072.15.

(d) It is the intent of the Legislature that the amounts provided pursuant to this article for school modernization do not include funding for administrative and overhead costs.

(e) For a school district having an enrollment of 2,500 or less for the prior fiscal year, the board may approve a supplemental apportionment of up to two thousand five hundred dollars (\$2,500) for any modernization project assistance. The amount of



1 the supplemental apportionment shall be adjusted in 2001 and  
2 every year thereafter by an amount equal to the percentage  
3 adjustment for class B construction.

4 (f) For a portable classroom that is eligible for a second  
5 modernization, the board shall require the school district to use  
6 the modernization funds to replace the portable classroom and to  
7 certify that the existing eligible portable classroom will be  
8 removed from any classroom use, unless the school district is  
9 able to document that modernizing the portable classroom is a  
10 better use of public resources. The capacity and eligibility of the  
11 school district shall not be adjusted for replacing a portable  
12 classroom pursuant to this subdivision and Section 17073.15.